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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 UNITED STATES OF AMERICA,

No. CR S-02-0151-MCE-CMK  
CIV S-07-0247-MCE-CMK

12 Respondent,

13 vs.

ORDER

14 SCOTT MICHAEL VOGELSANG,

15 Movant.  
16 \_\_\_\_\_/

17 Movant, a federal prisoner proceeding pro se, brings this motion to correct or set  
18 aside a criminal judgment pursuant to 28 U.S.C. § 2255 (Doc. 194). Movant has requested the  
19 appointment of counsel (Docs. 185 & 186). There currently exists no absolute right to  
20 appointment of counsel in § 2255 proceedings. See Irwin v. United States, 414 F.2d 606 (9th Cir.  
21 1969). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the  
22 case “if the interests of justice so require.” Rule 8(c), Rules Governing Section 2255  
23 Proceedings. In the present case, the court does not find that the interests of justice would be  
24 served by the appointment of counsel at this time.

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1 Movant has also requested an extension of time to file a response to the  
2 government's opposition to his § 2255 motion. Good cause appearing therefor, the request will  
3 be granted.

4 All other pending motions will be addressed in the court's decision on the merits.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Movant's motion for appointment of counsel is denied;
- 7 2. Movant's request for an extension of time to file a response to the  
8 government's opposition is granted; and
- 9 3. Movant may file his response within 30 days of the date of this order.

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11 DATED: July 23, 2007.

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14 **CRAIG M. KELLISON**  
UNITED STATES MAGISTRATE JUDGE  
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